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CIA Chief Says U.S. Intelligence 'Unique'

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DALLAS — Espionage and the rule of law can live together in a free society, and the foundations of the coexistence are now being built, the director of the Central Intelligence Agency said here yesterday.

Admiral Stansfield Turner said a balance can be struck between the gathering of secret information and the rights of American citizens.

Turner's remarks came on the second day of the annual meeting of the American Bar Association. About 8,000 of the association's approximately 250,000 members are expected to attend the weeklong convention.

The CIA director asserted that the nation's intelligence community already is moving toward "a new model of intelligence — a uniquely American model of intelligence" — under which the need to gather strategic information is balanced with the rights of American citizens and democratic control of the country.

There is, Turner said, a natural tension between the administration of justice and the safeguarding of the information gathered by intelligence agencies. Which of the two is more important, he said, is a question that always depends on the circumstances of the particular case.

While the CIA chief repeatedly said he was not complaining about the legal rights accorded defendants in espionage trials, he also made clear that certain

features of the criminal justice system are thorns in the side of his agency.

A criminal case, Turner said, often presents the CIA with an unpalatable decision whether to prosecute the suspect and reveal government secrets or drop the prosecution and see the suspect go free.

Should a government employee be arrested while handing a classified document to a foreign agent, Turner said, present law requires proof that the document was authentic and that its release to a foreign power would be harmful to the nation.

He said the court testimony likely to be required for this will usually be just as valuable to the foreign power as would the successful delivery of the original document to its agent.

Yet, Turner said, the CIA has an interest in convicting "irresponsible individuals — I would say even treasonous individuals — who deliberately disclose classified information."

He told his luncheon audience of several hundred attorneys that it is untrue that he has power to make the Justice Department drop a prosecution. Should the attorney general refuse a CIA request not to prosecute, Turner said, the agency's only recourse is to put its case before the president.

Another legal problem, he said, is posed by defense attorneys who at the last minute demand a large number of classified documents for use in preparing their cases. Should the trial judge decide the request is proper, Turner said, the intelligence agency again will be faced with the hard choice between dropping its case or revealing classified information.

When the gathering of intelligence overseas comes to involve an American citizen, Turner said, CIA operatives now must worry about possibly violating federal law by invading the American's privacy.

"The initiative of an intelligence operative can be dulled, and ... there can be a tendency to overcaution" in such instances, Turner said.

He said his agency is slowly recovering from the blow to its morale represented by the 1975-76 congressional investigations into its activities — investigations that "unfortunately destroyed some of the support and confidence which the American public has traditionally had in its intelligence community."